

FILE

Subject

*State Boards
Civil Rights*

Copy to



STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER
Attorney General

September 25, 1974

Opinion No. 74- 326

Mr. Roger W. Lovett
Project Director
Kansas Commission on Civil Rights
1155 W
State Office Building
Topeka, Kansas 66612

Re: Validity of Commission Business Being
Conducted by New Appointees to the
Kansas Commission on Civil Rights
Prior to Their Senate Confirmation

Dear Mr. Lovett:

You have requested an opinion from our office regarding whether or not any commission business conducted by new appointees to the Kansas Commission on Civil Rights between the time of their appointment by the Governor and the time each appointee is confirmed by the Senate, is legal and valid. We are of the opinion it is based upon the Kansas Supreme Court decisions of Barrett v. Duff, 114 Kan. 220 (1923); and State, ex rel. Griffith v. Matassarini, 114 Kan. 244 (1923). To decide otherwise would in our opinion not only be contrary to the intent of the Legislature in passing K.S.A. 44-1003 authorizing said appointments by the Governor, but would also be impractical and detrimental to the dispatch of commission business, all of which are important factors considered by the Kansas court in the Barrett and Griffith cases cited above.

The appointments themselves, of course, are valid pursuant to K.S.A. 44-1003, and in light of the fact that all the appointees replaced former commissioners whose terms had either expired, or who had resigned.

Very truly yours,

VERN MILLER
Attorney General

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